

REMARKS

Claims 9-17 have been canceled. New claims 63-201 are submitted for prosecution. Of these, claims 63, 79, 98, 113 and 128 are independent claims.

Reexamination and reconsideration are respectfully requested in light of the amendments and the remarks that follow.

Canceled claims 9, 11 and 15 stood rejected under 35 U.S.C. §102(b) as being anticipated by Churinetz et al U.S. Patent 5,415,631 (Churinetz '631). Canceled claims 10,12-14, 16 and 17 stood rejected in various combinations under 35 U.S.C. §103(a) over Churinetz '631 in view of Robic et al. U.S. Patent 5,919,196 (Robic '196) and Churnitz '631 in view of Robic '196 in view of Scribner et al. U.S. Patent 5,972,105.

The cited references do not teach or suggest, alone or in combination, the various technical features defined in the new independent claims. For example, the cited references do not teach or suggest (1) an apparatus comprising a cannula and a tamping instrument having a tamping terminus, the tamping instrument being sized and configured for withdrawal of the tamping terminus from the cannula, as defined by new independent claim 63; (2) an apparatus comprising a tamping instrument separate from a first instrument, as defined by new independent claim 79; (3) an apparatus in which a tamping instrument has a handle portion and a body portion, the handle portion having a cross-sectional area greater than the cross-sectional area of the body portion, as defined by new independent claim 98; (4) an apparatus in which a tamping instrument has a handle portion and a body portion, the body portion being sized and configured to substantially fill the cannula, as defined by new independent claim 113; (5) an apparatus in which a tamping instrument has a handle portion and a body portion, the body portion having a substantially constant diameter along its length, as defined by new independent claim 128.

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Amendment A

Allowance of claims 63-201 is respectfully requested.

Respectfully submitted,

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